

CHAPTER 19.22

RMH Residential Manufactured Home District

19.22.010 Intent.

The intent of this Chapter is to support the City's Comprehensive Plan and to protect health, safety, welfare, compatibility and property values within the City. The regulations contained herein are intended to be the minimum standards. Higher or additional standards may be required to meet the intent of this Chapter. This Chapter applies to property zoned RMH (residential manufactured home) in the City. This Chapter is not intended to apply to manufactured home parks zoned PUD (planned unit development). It is the intention of the City that if an existing unincorporated manufactured home park is annexed to the City, a specific Manufactured Home Park Plan for that park will be addressed in an annexation agreement for the property. (Ord. 499-10)

19.22.020 Definitions.

A. *Abandoned* or *abandonment* shall mean include the following: conditions indicating abandonment of a mobile or manufactured home shall include, but shall not be limited to, lack of occupancy with no forwarding information or signage indicating the home is for rent or for sale and/or windows or doors that are not secured. A mobile or manufactured home that is cited under the abatement of Dangerous Building Code with a notice and order and is not brought into compliance with the building code within thirty-days' notice of said violation shall be considered for the purpose of this Chapter to be abandoned. Abandoned mobile or manufactured homes shall not be considered legal, nonconforming structures under this Code.

B. *Existing manufactured home park* shall mean one of the four (4) existing manufactured home parks zoned RMH within the City at the time of repeal and re-adoption of this Chapter. Any existing manufactured home park that is redeveloped as defined herein or discontinues its manufactured home park use as defined herein for three (3) or more consecutive months shall no longer be considered an existing manufactured home park under this Chapter.

C. *Mobile home* shall mean a factory-built home produced prior to June 15, 1976. No mobile homes are allowed within the City. Existing mobile homes in place prior to the adoption of the ordinance will be considered legal nonconforming structures.

D. *Manufactured home* shall mean a home built entirely in a factory and certified pursuant to National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C., § 5401, et seq., commonly referred to as the HUD code. The code went into effect June 15, 1976.

E. *Manufactured home space* shall mean the area designed for accommodation of one (1) mobile home, including its parking and accessory structures.

F. *Modular home* shall mean a factory-built home that is built to the construction codes as adopted by the City and referenced as the International Residential Code. Modulares are transported to the residential site and installed.

G. *Redevelopment* shall mean substantial changes to a manufactured home park which may include, but not be limited to, an increase in the area of the manufactured home park, decrease in open space, or increase in the number of manufactured home spaces or detached structures such as offices or clubhouse but not including sheds, carports or garages, or other changes in layout, including streets or size and shape of spaces (unless combining spaces). (Ord. 499-10)

19.22.030 Existing manufactured home parks.

A. Existing manufactured home parks shall not be increased in land area, number of structures, or spaces; nor shall the size or location of parks, open space or roadways be changed. This is considered redevelopment.

B. Only one (1) manufactured home shall be allowed on a manufactured home space.

C. It shall be a violation of the Municipal Code for any owner of any home to abandon such home within the City. Once a home has been abandoned, the manufactured park owner shall have one hundred twenty (120) days to obtain title to the home. At any time during said one hundred twenty (120) days or upon reaching the one hundred twenty (120) days, the park owner shall be required to provide proof of reasonable attempts to obtain title to the home. That proof can include, but is not limited to, a certified copy of correspondence to the County and/or State, an application filed with the County and/or State, letters from the County and/or State or other forms of written documentation. Reasonable attempts to obtain title to the home shall be a defense to any citation regarding failure to obtain title to the home.

Upon obtaining title to such home, a manufactured home park owner shall have thirty (30) days to remove or bring such home into compliance with all applicable building code requirements and the requirements of Section 19.22 of the Municipal Code. Failure to provide adequate proof of reasonable action to secure a transfer of title or to provide adequate proof of meeting current code requirements shall be a violation of this Section and shall subject the manufactured park owner to penalties. Every day of violation will be considered a separate violation subjecting the manufactured park owner to a separate penalty for each day such violation continues. The maximum penalty for violation will be one thousand dollars (\$1,000) per day. The park owner shall not be liable for any penalties if, prior to the end of the thirty-day period set forth above, the park owner has contracted with a mover to remove the home from the park or contracted with a licensed contractor to repair said home to bring it into compliance with applicable building code requirements and the requirements of Section 19.22 of the Municipal code. The time frame for the removal or repair of the home shall be a reasonable time frame based upon the availability of contractors and materials as well as weather conditions.

D. No hazardous, combustible, flammable or chemical storage shall be allowed under a manufactured home, on the roof of a manufactured home or on the roof of any accessory structure. Both the owner of the manufactured home and the owner of the manufactured home park shall be held responsible for such violation in accordance with Chapter 1.16 and 1.17 of the Municipal Code. In addition to the requirements of 19.48.060, Home Occupations, and notwithstanding any provision to the contrary, no customer/client visits to a manufactured home in conjunction with a home occupation shall be permitted. Resident managers are specifically allowed.

E. No structural enlargement or exterior addition to any manufactured home shall be permitted. This provision shall not be construed as applying to unenclosed carports, patios, decks, porches, awnings or similar unenclosed additions required in this Chapter and for which a valid building permit was issued.

F. It shall be the responsibility of the manufactured home owner to obtain all required building permits for detached accessory structures, including but not limited to sheds, carports, and garages, as well as any required appurtenances attached to a manufactured home, such as entryway stairs and landings. The manufactured home owner or designee shall show written evidence that the park owner has approved any and all detached accessory structures as described above prior to the city permit being issued.

G. No detached accessory structure, excluding fences, shall be closer than ten (10) feet from a home or accessory structure on a separate home space or any exterior property line of the property or any public right-of-way. The distance between a detached accessory structure and a home or accessory structure on the same home space shall be in accordance with the building code as adopted in the Municipal Code.

H. Each home space shall be limited to the following accessory structures:

1. One (1) detached garage or carport not exceeding six hundred (600) square feet.
2. One (1) unenclosed porch and/or covered entry, or one (1) enclosed porch and/or covered entry with less than one hundred twenty (120) square feet of extended roof area, per exterior door of the manufactured home unit.
3. Awnings.
4. One (1) storage shed no greater than three hundred (300) square feet of extended roof area and no taller than eight (8) feet in height.

I. Accessory buildings not on home spaces such as offices (separate from a home), clubhouses and laundry buildings shall not be replaced with homes or home spaces.

J. Each home space shall have two (2) paved, off-street parking spaces measuring at least one hundred seventy-one (171) square feet each (minimum dimensions of nine [9] feet by nineteen [19] feet), which may be located side by side or end to end. Garage and carport spaces shall count toward this requirement. This requirement shall not apply to home spaces that have two (2) designated, striped, paved parking spaces (minimum dimensions of nine [9] feet by nineteen [19] feet) adjacent to the manufactured home space provided such parking spaces and the adjacent roadway conform to the following requirements.

K. No parking shall be permitted on any private roadways unless twenty (20) feet minimum of unobstructed traveled roadway is maintained at all times. Roadways that are thirty-two (32) or more feet wide (paved) may be designated for parking on both sides of the street with painted white lines perpendicular to the travel way. Roadways that are between twenty-six (26) and thirty-two (32) feet wide (paved) may be designated for parking on only one (1) side of the street with painted white lines perpendicular to the travel way. Roadways less than twenty-six (26) feet wide (paved) shall not have

any on-street parking permitted. The park owner shall install signs stating "No Parking – Fire Lane" or "Parking This Side Only" or similar as approved by the City on each side of every roadway less than thirty-two (32) feet in width. Vehicles parked in violation of this Section may be ticketed and/or towed by the Evans Police Department in accordance with Subsection 10.04.030.M of this Code.

L. The park owner shall install and maintain a directory poster at or near each entrance to the manufactured home park to assist fire, police and service personnel in locating particular home spaces within the park. Such poster shall be at least five (5) feet wide by four (4) feet tall and shall depict an aerial (plan) view of the park with each space number clearly marked.

M. Signage advertising the park shall be in accordance with Subsection 19.45.080.E.

The park owner shall provide adequate trash service. Adequate trash service shall be defined as individual service to each home by the City or its contractor in accordance with Subsection 8.04.090.E. or provision of trash receptacles within the park meeting the following requirements: such receptacles shall be screened on three (3) sides by a six-foot privacy fence or wall and such receptacles shall be located such that no home without individual trash service is more than two hundred (200) feet from a trash receptacle. (Ord. 499-10)

19.22.040 License and license fees.

A. It is unlawful for any person, firm or corporation to establish, maintain or operate, or permit to be established, maintained or operated, any manufactured home park/community within the City without first having secured a license therefore. Each license provided for shall be issued for a calendar-year period. Every person required to be licensed under the provisions of this Chapter shall make application to the City Clerk in writing. Such application shall state the name of the person and in case the applicant is a firm or corporation, the applicant shall state the names of the persons composing the firm or officers of the corporation, the location of the manufactured home park and the number of units located in the manufactured home park. Only one (1) license shall be issued for any manufactured home park/community, regardless of the number of owners of the real estate composing it.

B. The annual license and transfer fee for each manufactured home park shall be in accordance with the fees as established by City Council by resolution.

C. Renewal of license. Upon payment of the annual fee an existing licensee shall be issued a renewal license; the Building Official or designee shall inspect the manufactured home park to ensure that the requirements of this Chapter are implemented. After this inspection the Building Official or designee shall, based on the results of inspection, reissue or suspend the license.

D. Transfer of license. Upon application in writing for transfer of license and payment of the transfer fee, the City Clerk shall issue a transfer of license.

E. License suspension. The City may suspend any license to maintain and operate a park when the licensee has been found guilty of violating any provision of this Chapter, and was not corrected within fifteen (15) days of the violation. However, no suspension shall be effective until at least five (5) days after mailing a notice of intention to suspend. A licensee shall be entitled to be heard by the City Clerk and to present evidence bearing on the question of whether a suspension is

warranted under this Section. Each suspension shall continue in force until the cause of the suspension has been fully corrected. A license also shall be subject to suspension under this Section for the failure of the licensee to comply with any requirements imposed by Colorado law or by regulations issued by any agency of the State of Colorado pertaining to anchoring or tying down mobile homes as a safety precaution against natural hazards. Upon suspension, no new homes will be allowed to move in, and if the City corrects the violation it will be at the cost of the licensee. (Ord. 499-10; Ord. 1119-98; Ord. 1061-97)

19.22.050 License application.

Applications for licenses to operate manufactured home communities or parks shall be filed with the City Clerk. Every application for a license shall be signed by each owner, and each of them will be responsible for any violation of this Chapter regardless of where the event or condition causing the violation occurs within the manufactured home park/community. Such application shall include the following information:

A. The name and address of the applicant. In case the applicant is a firm or corporation, the applicant shall state the names of the persons composing the firm or officers of the corporation, including any registered agent.

B. The location and legal description of the manufactured home park.

C. A complete plan of the park in conformity with the requirements of Sections 18.30.060 and 18.30.070 of this Chapter.

D. Plans and specifications of all buildings, improvements and facilities constructed or to be constructed within the manufactured home park.

E. Further information, as may be requested by the City staff. (Ord. 499-10; Ord. 1061-97)

19.22.060 Replacement manufactured homes.

A. Manufactured homes shall only be allowed in parks zoned RMH.

B. Manufactured homes shall be certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, U.S.C., § 5401 et seq., as amended, and shall bear an insignia indicating such and the date of manufacture. No mobile home manufactured prior to 1976 shall be allowed to be installed within the City.

1. Exception. A mobile home that does not meet the preceding requirement but that existed within the City prior to the adoption of this regulation may be relocated within the City provided such home is relocated to a space at least one hundred (100) feet farther from any public right-of-way than the space it previously occupied.

C. No manufactured home manufactured more than ten (10) years prior to the date of its installation shall be allowed to be installed within the City unless such home meets the following architectural standards:

1. The exterior of the home is free of any obvious deterioration or signs of lack of maintenance; for example, any missing or broken shutters or trim, damaged roofing or siding, faded or peeling paint, or similar damage or deterioration.

2. Minimum roof pitch of 3:12 (one [1] foot rise for each three [3] feet of horizontal run) or roof pitches that are designed to allow for "green" building measures such as water collection or growing of gardens.

3. Roof material of asphalt shingles or colored, nongalvanized standing seam material.

4. Exterior siding material of wood or vinyl siding or stucco or material equivalent in appearance, or siding that is of similar appearance and meets green building standards such as recycled concrete or metal.

5. Skirting material of stucco or material similar in appearance to stucco or vinyl skirting in good repair that is compatible with the home.

6. This Subsection shall not apply to a mobile home that is moved from one mobile home space to another space within the same mobile home park as long as the space to which it is being moved is farther from any public right-of-way than the space from which it is being moved.

7. Two (2) or more compatible or complementary colors on exterior of home, including the colors on shutters or trim, if any.

D. No person shall install any manufactured home within the City without first obtaining a building permit from the City. The application for the permit shall be on a form provided by the City and shall be signed by both the owner of the home and the owner of the park, or their representatives. A permit for a manufactured home shall not be issued by the City if the park has any pending or outstanding Municipal Code violations that have not been corrected after due notice.

E. Any home that is removed from its space shall not be replaced by another home except in conformance with the Municipal Code.

F. No home shall be removed from a park without first obtaining a house-moving permit from the City.

G. No home shall be occupied prior to issuance of a certificate of occupancy. Prior to issuance of a certificate of occupancy the City shall inspect the home to ensure it is located and set in accordance with this Chapter, applicable building code requirements and any other relevant provision of this Code. All homes shall be connected to public water and sewer service and gas and/or electricity service prior to issuance of a certificate of occupancy. Issuance of a certificate of occupancy shall require that all accessory structures on the space on which the manufactured home is located comply with the requirements of this Chapter.

H. Required internal and public setbacks.

1. No home, exclusive of trailer hitches and eaves shall be located within ten (10) feet of any other home. No decks, stairs or other appurtenances shall be located within six (6) feet of a home or the decks, stairs or other appurtenances on another home space.

2. No home, exclusive of trailer hitches and eaves, but including any carports, decks, awnings, or other additions, shall be located within twenty-five (25) feet of any public right-of-way.

3. No home, exclusive of trailer hitches and eaves shall be located within ten (10) feet of any perimeter property line of the park. No decks, stairs or other appurtenances shall be located within five (5) feet of any perimeter property line.

4. Reference Table 19.22 for detailed information.

I. Trailer hitches must be removed or concealed with material similar in appearance to the siding of the home prior to issuance of a certificate of occupancy.

J. Manufactured homes shall be fully skirted prior to issuance of a certificate of occupancy. Such skirting shall be durable, rigid weather-resistant material.

K. Prior to issuance of a certificate of occupancy, the space unit number shall be indicated on the home or on the space so that the space is clearly identifiable from the nearest street.

L. The maximum height of any manufactured home or garage accessory to a manufactured home shall be fifteen (15) feet.

M. Manufactured homes located within seventy-five (75) feet of a public right-of-way shall have the following additional requirements:

1. There shall be a minimum of one (1) two-inch caliper tree planted between the home and each right-of-way. Such trees shall be of a species listed on the City's approved landscape planning list. Existing trees shall be considered as meeting this requirement only if they are in good condition and of a species listed on the City's approved landscape planning list. The park owner shall be responsible for ensuring that such trees are maintained and watered and shall promptly replace any diseased, dead or dying trees. City staff shall have the discretion to allow the placement of trees required by this Subsection to be relocated to other areas of the park or adjacent land if such areas would be more suitable for such trees. Alternative plans for improvements in lieu of trees may be proposed by a park owner for review and consideration of approval by the Planning Commission.

2. The side of the manufactured home nearest the right-of-way shall contain at least one (1) window with a minimum area of four (4) square feet. (Ord. 499-10)

19.22.070 New and redeveloped manufactured home parks.

No park shall be developed, nor shall an existing park be redeveloped or the use of a park be recommenced after having been discontinued, as defined herein, for three (3) or more consecutive months, without first obtaining Manufactured Home Park Plan approval by the City Council by

ordinance. The Manufactured Home Park Plan shall conform to all of the requirements for planned unit developments (PUD) as written in Chapter 18.28, planned unit developments, and shall be processed as an application for a PUD. Such plans shall, at a minimum, include regulations on the following:

1. Setbacks from property lines and right-of-way.
2. Separation distance between homes.
3. Foundation requirements.
4. Parking and driveways.
5. Private street materials and dimensions, street names and sidewalks, if any.
6. Provision of water and sewer service.
7. Stormwater drainage.
8. Accessory structures and storage.
9. Age of homes at the time of installation.
10. Density or maximum number of homes.
11. Minimum and maximum length, width and height of homes.
12. Roof pitch and material.
13. Minimum eave length and other aesthetic aspects.
14. Signage.
15. Fencing – perimeter and on lots.
16. Open space.
17. Amenities.
18. Landscaping and entryway features.
19. Lighting.
20. Maintenance. (Ord. 499-10)

19.22.080 Maintenance and nuisances.

A. The owner of a home shall be responsible for maintaining the exterior of the home, including but not limited to roofing, siding and skirting, in good condition and shall promptly replace

or repair any damage or defects to such exterior. The owner of a home shall be responsible for maintaining the yard or open space within his or her designated home space, including but not limited to keeping such area free of weeds, trash or other violation of this Code. Any such violation shall be punishable in accordance with Chapter 1.16 and/or Chapter 1.17 of this Code, as applicable.

B. The owner of a park shall be responsible for ensuring that every home within his or her park conforms to the International Property Maintenance Code as adopted and amended in Chapter 15.24 of this Code. Existence of violations of said code within a park shall be grounds for withholding of permits for replacement homes until such violations are corrected. Documented efforts made by the park owner will be taken into consideration when the City reviews the permit process.

C. The owner of a park shall be responsible for maintaining in good condition any and all of the following within his or her park and shall promptly replace or repair any damage or defects to such:

1. Private streets, driveways, and walkways.
2. Landscaping, not within an occupied, designated home space, including that which is located within adjacent right-of-way between streets or sidewalks and the park property line.
3. Fencing within the park or on the adjacent right-of-way.
4. Signage within the park or on the adjacent right-of-way.
5. Lighting within the park.
6. Private water and sewer service lines.
7. Stormwater detention ponds and structures.
8. Accessory buildings that are owned by the park owner, whether or not they are within a designated home space.
9. The owner of a park shall be responsible for any home space that is not occupied by a home, including keeping such spaces free of weeds, trash or other violations of this Code. Any such violation shall be punishable in accordance with Chapter 1.16 and/or Chapter 1.17 of this Code, as applicable, and shall be grounds for withholding of permits for replacement homes until such violations are corrected. (Ord. 499-10)

19.22.090 Rezoning of existing or discontinued manufactured home parks.

A. If a park owner applies for a zoning amendment in accordance with Chapter 19.60 of this Title to change the zoning of the park from RMH, residential manufactured home, to another zoning designation, the City may first require a written agreement with the park owner regarding timely removal of all homes on the property and conversion of the property to another use.

B. If the zoning of an existing park is changed to another designation that does not allow manufactured homes and the park owner did not apply for such zoning amendment, replacement

homes may continue to be installed in accordance with Section 18.30 of the Municipal Code. Nothing in this Section shall be construed to require the removal of a home that is occupied by its owner or a bona fide tenant of its owner.

C. This Section may be addressed and superseded by an approved Manufactured Home Park Plan or agreement between the City and the park owner, which shall apply to their heirs and assigns. (Ord. 499-10)

19.22.100 Violations – penalty.

Any person who violates any of the provisions of this Chapter is guilty of a violation of this Chapter and shall be punished as provided in Section 1.16.010 of this Code. (Ord. 499-10)

19.22.110 Variances.

No variances will be considered under this Code.

A. Table 19-22 below shows setbacks for all structures from the public right of way, property line and other areas. Landscaping, open space, playgrounds and private roads shall be allowed within the setbacks delineated below:

Table 19-22

<i>Front street</i>	<i>Side street</i>	<i>Street Side</i>	<i>Rear</i>	<i>Perimeter of property</i>	<i>Maximum height</i>
25'	5'	15'	20'	5' for accessory structures; 10' for homes	15'

B. Table 19-23 shows internal setbacks for mobile homes and accessory structures:

Table 19-23

<i>End to end</i>	<i>Side to side</i>	<i>Front to side</i>	<i>Accessory structures</i> *
10'	10'	10'	6'

* Nonattached structures, including but not limited to sheds, carports, decks, landings, stairs, fences and awnings.
(Ord. 499-10)